

MARY BEMUS.

JANUARY 29, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. THOMAS, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 5619.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5619) granting a pension to Mary Bemus, having carefully considered the same, respectfully report:

Franklin Bemus served in Company F, Ninth New York Volunteer Cavalry, from September 7, 1864, to June 1, 1865. He claimed pension under the general law for deafness, and was pensioned therefor at \$27 when he died.

On September 22, 1859, he was married to Esther McIntyre, with whom he lived until about April, 1866, when he left her and went west for the purpose, as alleged, of securing a home. He never returned, and in 1868 he was married to this claimant, having told her and her father that he had been previously married but was divorced from his first wife.

The first wife in 1871 instituted proceedings to secure a divorce, but hearing, from what she considered reliable sources, that soldier was dead, she dropped the suit for divorce and was married to T. S. McCutcheon, with whom she has lived ever since as his wife.

She says she considers herself the lawful wife of McCutcheon, and that she has no title to, and makes no claim for, pension as the widow of Bemus.

Claimant lived with soldier as his wife and was treated and recognized as such, and bore him ten children, several of whom are under 16 years of age. Her claim under act of June 27, 1890, was rejected on the ground that she is not the legal widow of the soldier, which was technically correct.

No one else is pensioned or pensionable on account of the service of this soldier except claimant and her minor children, and she was entirely innocent in her marriage, living with soldier as his wife for twenty-seven years, and was left by his death with four of his children under 16 years of age, and no means of support for herself and them except her own labor.

In view of these facts the passage of the bill is recommended.